

On Thursday, August 21, 2014 at 7:00 pm a regular meeting of the Plan Commission was called to order. Roll Call. Present: Chair Eric Larson, Rick Andersen, Karen Chevalier, Bob Conklin, Mike Mellott, and Rene Morris. Absent: Steve Munson.

Also present were City Planner Dustin Wolff, City Management Intern Kevin Smith, Alderman Retha Elston, Alderman John Stauter, Building and Zoning Superintendent Amanda Schmidt, Sterling Main Street Director Jana Groharing, GSDC Director Heather Sotelo, Police Chief Ron Potthoff, and City Clerk Marie Rombouts.

Rene Morris made a motion to approve the minutes from the July 17, 2014 meeting; seconded by Karen Chevalier. Voting: Ayes – Andersen, Chevalier, Conklin, Mellott, Morris, and Chair Larson. Nays – None. Motion carried.

Superintendent Schmidt reported that Article 3 was well received by the Council. The Council was pleased with the process of one article at a time.

Chair Larson opened a public hearing at 7:04 pm on the petition from Northland Mall to amend the sign code allowing signage on the outside wall for anchor tenants without an external entrance/exit. Attorney Bill Shirk and Karyn Brouillette were representing the Mall. Shirk explained that Dunham Sports will bring more retailers to the area. Dunham Sports has no exterior frontage, but will be an anchor store with 48,000 square feet. The amendment would allow one sign attached to an outside wall of the shopping center for each retail tenant occupying not less than 45,000 square feet.

Mike Mellott stated that three options were offered. Shirk stated those were not suitable to Dunham Sports. Karyn Brouillette stated Dunham Sports wanted the sign on the front of the building, to the west of "The Spot" restaurant sign. Planner Wolff stated that staff is not supportive of changing the code for an additional wall sign for retail space larger than 45,000 square feet. The language is generic and would include other retail areas. Wolff explained the Plan Commission took 18 months to develop this sign code. He stated that the tenant rejected the suggestions but never talked with the City prior to looking into sign placement. The pylon sign has three prominent placements for their anchor stores.

Chair Larson stated that publication in the *Daily Gazette* was made, fees were paid, property owners within 150' of the property were notified, a sign was placed on the property for two weeks prior to the hearing, and no written comments were received from the public.

Alderman Stauter noted it is odd to have a sign over an entrance that goes nowhere. Brouillette stated the doors are locked; it is a storage area.

Planner Wolff stated the Mall manager can determine what store gets marquee area. Karen Chevalier stated the business is important but from a customer's point of view it is confusing to have a sign above locked doors. She stated that it's not just about the sign code but it's not customer friendly, either.

Planner Wolff explained that a sign is based on 10% of the wall space. The "Northland Mall" sign over the entrance would have to come down if "Dunham Sports" sign was put there. Mike Mellott does not find the "Mall" sign too intensive if "Dunham Sports" signs was placed above it.

Shirk stated this is a unique circumstance with a store on the back side of the shopping center with no exterior entry.

Planner Wolff stated this is not the only multi-tenant shopping center in Sterling.

Mike Mellott stated the sign would need to conform to our current sign code. It is workable and makes sense. Pandora's Box does not need to be opened.

Superintendent Schmidt indicated the proposed size of the sign could not be determined because size is based on the frontage wall.

Planner Wolff stated the sign code change is too broad. The proposed amendment does not specify where or how large the sign may be.

Karen Chevalier asked if there has been a meeting with Dunham. Karyn Brouillette stated they asked for this sign and she doesn't want to take it back to them as a "no".

Mike Mellott suggested the Plan Commission look at amending the section of the code that would require the "Northland Mall" sign be removed if "Dunham Sports" is placed above the entry doors.

The public hearing was closed at 7:50 pm. Mike Mellott made a motion to recommend to the City Council to deny the petition from Northland Mall to modify the sign code to allow signage to be displayed on the outside wall of the Mall for its anchor tenants which do not have visible frontage or an external egress; seconded by Bob Conklin. Voting: Ayes – Andersen, Conklin, Mellott, Morris, and Chair Larson. Nays – Chevalier. Motion carried.

Planner Wolff explained that because compassionate use of medical cannabis is permitted in Illinois, Medical Cannabis Dispensaries and Cultivation Centers will need to

be addressed from the zoning perspective. One cultivation center will be permitted in each of the 21 Illinois State Police Districts. Code Section 102-315 gives Sterling regulations to regulate dispensaries. The map shows buffers where they cannot locate because of proximity to parks, schools, and churches; this eliminates most areas except to the east and north portions of the City in B-3 Districts. Cultivation centers could be located in M-2 Districts. Both dispensaries and cultivations would require a Special Use Permit.

Mike Mellott asked what kind of security is required. Planner Wolff stated that Illinois statutes outline those requirements.

Heather Sotelo stated the cultivation center would have to be located outside the City limits. Each dispensary would be licensed to one person. The statute is specific on security. The state does not regulate separation from religious establishments. The City's suggestion of 1000' is more excessive than the state and eliminates more locations. This is legal and we want it in our community for the additional business it can generate. Sotelo believes the Special Use Permit is excessive.

Chief Potthoff stated that Sterling is suggesting 1000' from residential, Whiteside County has passed 500' and Rock Falls has passed 250'. He believes that religious establishments were addressed to keep the facilities away from child-oriented locations.

Superintendent Schmidt stated that dispensaries cannot be next to a cultivation center or dispensed from a cultivation center.

Discussion followed among Commissioners on regulations, locations, licenses, applications, permitted hours, and setbacks from residential neighborhoods.

Mike Mellott supports the Special Use Permit because it gives an opportunity for public input.

Attorney Coplan stated the 1000' setback requirements from schools and parks are set by state statutes. Place of worship is not addressed by the state. Mike Mellott does not feel Sterling needs to supersede the state's requirements for churches.

Chief Potthoff believes a 1000' setback from residential may be too great but asked for the Commissioners' opinions. Discussion resumed.

Mike Mellott made a motion to recommend to the City Council approval of Section 102-315: Medical Cannabis Cultivation Centers and Dispensaries, striking the place of religion and requiring a 500' distance from residential-zoned properties; seconded by Rene Morris. Voting: Ayes – Andersen Chevalier, Conklin, Mellott, Morris, and Chair Larson. Nays – None. Motion carried.

Planner Wolff stated that he and staff had met with business organizations. The river front zoning section was well received. Businesses will have more time to review with possible changes. Wolff is not advocating sending anything to Council until businesses have the opportunity for more input.

Superintendent Schmidt announced that the September meeting will be moved to the fourth Thursday, September 25, 2014 at 7:00 pm. We will review Articles 4 and 8.

With no further business to discuss, the meeting was adjourned at 8:58 pm.

Marie Rombouts
City Clerk